

FILE COPY

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY
PROCEEDINGS AGAINST

HAROLD B. BILLER, M.D.
RESPONDENT

LS 9706253MED

FINAL DECISION AND ORDER
(93 MED 347; 94 MED 262;
and 94 MED 391)

The parties to this action for the purposes of Wis. Stats. sec. 227.53 are:

Harold B. Biller, M.D.
1545 West Cedar Lane
Milwaukee, Wisconsin 53217-1102

State of Wisconsin
Medical Examining Board
P.O. Box 8935
Madison, Wisconsin 53708-8935

Department of Regulation and Licensing
Division of Enforcement
P.O. Box 8935
Madison, Wisconsin 53708-8935

The parties in this matter, Harold B. Biller, M.D., Respondent, and Pamela M. Stach, Attorney for the Department of Regulation and Licensing, Division of Enforcement, agree to the terms and conditions of the attached Stipulation as the final disposition of this matter, subject to the approval of the Medical Examining Board. The Board has reviewed the Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached stipulation and makes the following:

FINDINGS OF FACT

1. Harold B. Biller, M.D. Respondent herein, whose date of birth is October 27, 1934, and is located at 1545 West Cedar Lane, Milwaukee, Wisconsin 53217-1102, is licensed and currently registered to practice medicine and surgery in the State of Wisconsin under license number 136440 which was granted on July 1, 1960.

2. Dr. Biller specialized in the practice of pathology.

3. There is a formal investigation of Dr. Biller pending before the Wisconsin Medical Examining Board.

4. The investigation involves allegations of failure to properly review pap smears which allegedly evidenced the presence of adenocarcinoma.

5. Dr. Biller retired from the practice of medicine and surgery in the State of Wisconsin in approximately December of 1992.

6. Dr. Biller holds no active license to practice medicine and surgery from any other licensing authority.

CONCLUSIONS OF LAW

1. The Medical Examining Board has jurisdiction in this proceeding pursuant to Wis. Stats. secs. 448.02.

2. The Medical Examining Board has the authority to resolve this matter by stipulated agreement pursuant to Wis. Stats. sec. 227.44(5).

ORDER

NOW THEREFORE IT IS ORDERED that the Stipulation of the parties is hereby accepted.

IT IS FURTHER ORDERED that Harold B. Biller, M.D. shall not resume the practice of medicine and surgery in the State of Wisconsin under his current registration and shall not reregister to practice medicine and surgery in the State of Wisconsin at any time in the future.

IT IS FURTHER ORDERED that Dr. Biller will not practice or attempt to practice medicine or surgery in the State of Wisconsin between the effective date of this Order and December 31, 1997 nor at any other time when not currently registered.

IT IS FURTHER ORDERED that in the event Harold B. Biller wishes to resume the practice of medicine and surgery in the State of Wisconsin at some future date, he shall appear before the Medical Examining Board to request the right to reregister and to satisfy the Board as to his competence to resume the practice of medicine and surgery. Evidence of such competence may include, but not be limited to, any testing, evaluation, assessment or retraining the Board deems appropriate.

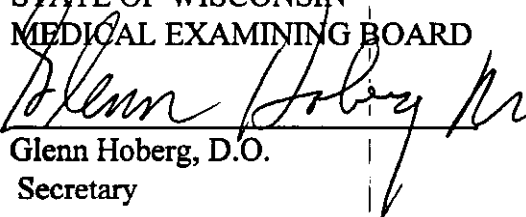
IT IS FURTHER ORDERED that in the event that the Medical Examining Board denies Dr. Biller's request to reregister, or allows reregistration for a limited license only, such denial or limitation shall not constitute a denial of a license within the meaning of Wis. Stats. sec. 227.01(3)(a).

IT IS FURTHER ORDERED that investigative files 93 Med 347; 94 Med 262 and 94 Med 391, as they apply to Dr. Biller, are hereby closed without further proceedings.

IT IS FURTHER ORDERED that pursuant to Wis. Stats sec. 448.02(4), if the Wisconsin Medical Examining Board determines that there is probable cause to believe that Dr. Biller has violated any of the terms of this Final Decision and Order, the Board may order that the license of Dr. Biller to practice medicine and surgery in the State of Wisconsin be summarily suspended pending investigation of the alleged violation.

Dated this 25th day of June, 1997.

STATE OF WISCONSIN
MEDICAL EXAMINING BOARD


Glenn Hoberg, D.O.
Secretary

Initials

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STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY
PROCEEDINGS AGAINST

HAROLD B. BILLER, M.D.
RESPONDENT.

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STIPULATION

93MED 347; 94 MED 262; 94 MED391

It is hereby stipulated between Harold B. Biller, M.D., Respondent herein, and Pamela M. Stach, Attorney for the Department of Regulation and Licensing as follows:

1. Harold B. Biller, M.D., 1545 West Cedar Lane, Milwaukee, Wisconsin 53217-1102, whose date of birth is October 27, 1934, is licensed and currently registered to practice medicine and surgery in the State of Wisconsin under license number 136440 which was granted on July 1, 1960.

2. A formal investigation entitled 93 Med 347, 94 Med 262, and 94 Med 391 is pending before the Wisconsin Medical Examining Board.

3. Dr. Biller retired from the practice of medicine and surgery in the State of Wisconsin in approximately December 1992.

4. Dr. Biller does not have an active license to practice medicine and surgery in any state other than Wisconsin.

5. In the interests of resolving the pending investigation, Dr. Biller voluntarily enters into this stipulation and agrees to entry of the attached Final Decision and Order by the Medical Examining Board.

6. Dr. Biller understands that by signing this stipulation, he freely, voluntarily and knowingly waives his rights, including the right to a hearing on the allegations against him at which time the State has the burden of proving those allegations by a preponderance of the evidence, the right to confront and cross-examine witnesses against him, the right to call witnesses on his behalf and compel their attendance by subpoena, the right to testify, the right to file objections to any proposed decision and to present briefs and oral argument to the officials who are to render the final decision; the right to petition for rehearing; and all other applicable rights afforded to Respondent under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes and the Wisconsin Administrative Code. Dr. Biller further understands that by signing this Stipulation and the entry of the attached Final Decision and Order by the Medical Examining Board that the formal investigation entitled 93 Med 347, 94 Med 262 and 94 Med 391, as it applies to Dr. Biller, will be closed without further proceedings.

5. Dr. Biller is further aware of his right to seek legal representation prior to signing this stipulation.

6. The parties waive any costs which may have accrued in this matter.

7. The parties to this stipulation and the Board Advisor may appear before the Wisconsin Medical Examining Board in support of this Stipulation.

8. Violation of the terms and conditions set forth in this Stipulation and Final Decision and Order shall constitute a basis for disciplinary action by the Medical Examining Board.

9. The Final Decision and Order, if entered by the Medical Examining Board shall become effective on the date of signing.

10. If any term of this Stipulation or the attached Final Decision and Order is not accepted by the Wisconsin Medical Examining Board, then no term of the Stipulation or Order will be binding in any manner on any party and the matter will be returned to the Division of Enforcement for further proceedings.

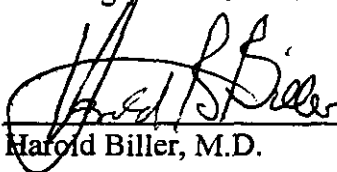
Dated: June 10, 1997



Pamela M. Stach, Attorney
Department of Regulation and Licensing

I, Harold B. Biller, M.D., having read the above Stipulation and attached Final Decision and Order, do hereby freely, voluntarily and knowingly enter into this Stipulation.

Dated: June 9 1997



Harold Biller, M.D.

STATE OF WISCONSIN
DEPARTMENT OF REGULATION AND LICENSING
BEFORE THE MEDICAL EXAMINING BOARD

In the Matter of the Disciplinary Proceedings Against

Harold B. Biller, M.D.,

AFFIDAVIT OF MAILING

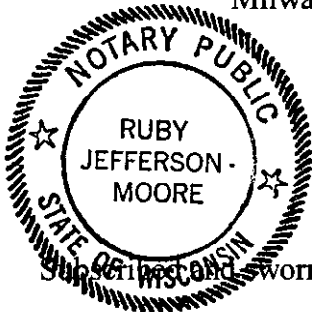
Respondent.

STATE OF WISCONSIN)
)
COUNTY OF DANE)

I, Kate Rotenberg, having been duly sworn on oath, state the following to be true and correct based on my personal knowledge:

1. I am employed by the Wisconsin Department of Regulation and Licensing.
2. On June 26, 1997, I served the Final Decision and Order dated June 25, 1997, LS9706253MED, upon the Respondent Harold B. Biller, M.D. by enclosing a true and accurate copy of the above-described document in an envelope properly stamped and addressed to the above-named Respondent and placing the envelope in the State of Wisconsin mail system to be mailed by the United States Post Office by certified mail. The certified mail receipt number on the envelope is P 221 157 291.
3. The address used for mailing the Decision is the address that appears in the records of the Department as the Respondent's last-known address and is:

Harold B. Biller, M.D.
1545 W. Cedar Lane
Milwaukee WI 53217-1102



Subscribed and sworn to before me

this 26th day of June, 1997.

Ruby Jefferson-Moore
Notary Public, State of Wisconsin
My commission is permanent.

Kate Rotenberg
Kate Rotenberg
Department of Regulation and Licensing
Office of Legal Counsel

NOTICE OF APPEAL INFORMATION

Notice Of Rights For Rehearing Or Judicial Review. The Times Allowed For Each. And The Identification Of The Party To Be Named As Respondent.

Serve Petition for Rehearing or Judicial Review on:

STATE OF WISCONSIN MEDICAL EXAMINING BOARD

1400 East Washington Avenue

P.O. Box 8935

Madison, WI 53708.

The Date of Mailing this Decision is:

June 26, 1997

1. REHEARING

Any person aggrieved by this order may file a written petition for rehearing within 20 days after service of this order, as provided in sec. 227.49 of the *Wisconsin Statutes*, a copy of which is reprinted on side two of this sheet. The 20 day period commences the day of personal service or mailing of this decision. (The date of mailing this decision is shown above.)

A petition for rehearing should name as respondent and be filed with the party identified in the box above.

A petition for rehearing is not a prerequisite for appeal or review.

2. JUDICIAL REVIEW.

Any person aggrieved by this decision may petition for judicial review as specified in sec. 227.53, *Wisconsin Statutes* a copy of which is reprinted on side two of this sheet. By law, a petition for review must be filed in circuit court and should name as the respondent the party listed in the box above. A copy of the petition for judicial review should be served upon the party listed in the box above.

A petition must be filed within 30 days after service of this decision if there is no petition for rehearing, or within 30 days after service of the order finally disposing of a petition for rehearing, or within 30 days after the final disposition by operation of law of any petition for rehearing.

The 30-day period for serving and filing a petition commences on the day after personal service or mailing of the decision by the agency, or the day after the final disposition by operation of the law of any petition for rehearing. (The date of mailing this decision is shown above.)